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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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24267	7590	05/27/2005	EXAMINER	
CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			HOSSAIN, TANIM M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,108

Applicant(s)

DAVIE, BRUCE

Examiner

Tanim Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/28/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7-10, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awadallah (U.S. 6,449,251) in view of Primak (U.S. 6,598,077).

As per claim 1, Awadallah teaches an intermediate network device for use in a computer network carrying network traffic corresponding to sessions, the intermediate network comprising: a traffic scheduler having one or more resources for use in forwarding network traffic received at the device at different rates (column 3, line 61 – column 4, line 11; column 7, lines 7-10, 38-45); a classification engine configured to identify the received network traffic based upon pre-defined criteria (column 4, lines 25-33); and a resource reservation engine in communicating relationship with the traffic scheduler and the classification engine (column 4, lines 35-40; where the guaranteed bandwidth implies the existence of a resource reservation engine in communication with the router and classification engine). Awadallah does not specifically teach the use of sharing the resources of sessions having matching identifications. Primak teaches in response to a request to reserve resources for a first session associated with a session group identifier (ID), the resource reservation engine determines whether the session group ID of the first session matches the session group ID of one or more second sessions for

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which resources have previously been reserved and, if so, directs the traffic scheduler to share the resources reserved for the one or more second sessions with the first session (column 3, lines 2-5; 15-30; column 8, lines 24-47; where the resources are inherently shared between sessions because requests with the same session ID are routed to the same server.). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Primak in the system of Awadallah, because they are both from the same field of endeavor, namely the efficient routing of resources for network sessions. The motivation for combining the teachings lies in the fact that Primak's teaching adds further efficiency to Awadallah's invention in the event that session IDs are the same for multiple sessions.

As per claim 2, Awadallah in view of Primak teaches the intermediate network device of claim 1 wherein the resource engine includes a data structure for storing information for the sessions (Awadallah: column 6, lines 46-47; where the storing is implied), and the resource reservation engine stores a session group identifier for each session in the data structure (Awadallah: column 6, lines 46-65).

As per claim 3, Awadallah in view of Primak teaches the intermediate network device of claim 2 wherein the session group identifier associated with a given session includes a source address of an entity sourcing the traffic flow of the given session and a resource identifier (Awadallah: column 6, lines 46-65).

As per claim 7, Awadallah in view of Primak teaches the intermediate network device of claim 1, but does not specifically teach the origination of sessions from a single sourcing entity and are directed to multiple destination identities. It would have been obvious to one of ordinary skill in the art at the time of the invention to include this teaching in Awadallah in view of

Primak, as it is well known in the art. Any situation in which a single computer interacts with multiple computers constitutes the use of a single sourcing entity directed to multiple destination entities, which is obvious (See also "Resource Reservation Protocol," pages 43-2 – 43-3).

As per claim 8, Awadallah in view of Primak teaches the intermediate network device of claim 7 on the basis of obviousness, but does not specifically teach the use of a call waiting context within sessions. In view of Awadallah's discussion of VoIP (Awadallah: column 6, lines 38-45), it would have been obvious to one of ordinary skill in the art at the time of the invention to include this capability, as it is well known in the art. Awadallah discusses Internet telephony (Awadallah: column 1, lines 29-31), and since a call waiting context is well known in the art of Internet telephony, it would have been obvious to include this teaching specifically.

As per claim 9, Awadallah teaches in a computer network having a plurality of entities interconnected by a plurality of intermediate network devices having one or more resources for use in forwarding network traffic corresponding to sessions, a method for sharing resources reserved for a first session with a second session, the method comprising the steps of: receiving a first resource reservation message associated with a first session, the first resource reservation message specifying a session group identifier (ID) (figure 3; column 4, lines 25-40; where the traffic is classified, which constitutes specifying an identifier, and the discussion of guaranteed bandwidth for certain identifications constitutes reservation, where the inherent instructions to reserve resources implies the existence of a message based on session criteria. Receiving this message is implied.); storing the session group ID of the first resource reservation message (figure 3; column 6, lines 46-47; where the storing is implied); reserving the resources for use with the first session (column 4, lines 25-40; where the discussion of guaranteed bandwidth for

certain identifications implies reservation); receiving a second resource reservation message associated with a second session, the second resource reservation message corresponding to a session group ID (column 4, lines 25-40; where the traffic is classified, which constitutes specifying an identifier, and the discussion of guaranteed bandwidth for certain identifications constitutes reservation. Receiving this message is implied.). Awadallah does not specifically teach the comparisons of the session IDs, and if they match, sharing the resources between the two sessions. Primak teaches the comparison of the session group ID associated with the second resource message with the stored session group ID specified by the first resource reservation message; and if the two session group IDs match, sharing the resources reserved for use with the first session with the second session (column 3, lines 2-5; column 8, lines 24-47; where the resources are inherently shared between sessions because requests with the same session ID are routed to the same server.). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Primak in the system of Awadallah, because they are both from the same field of endeavor, namely the efficient routing of resources for network sessions. The motivation for combining the teachings lies in the fact that Primak's teaching adds further efficiency to Awadallah's invention in the event of routing sessions with duplicate session IDs.

As per claim 10, Awadallah in view of Primak teaches the method of claim 9 wherein the session group identifier associated with a given session includes a source address of an entity sourcing the traffic flow and a resource identifier (ID) (Awadallah: column 6, lines 46-65).

As per claim 14, Awadallah teaches in a sourcing entity interconnected with two or more receiving entities by a computer network having a plurality of intermediate network devices, the

devices having one or more resources for use in forwarding network traffic corresponding to sessions, a method for sharing resources reserved for a first session with a second session the method comprising the steps of: generating a first resource reservation message associated with the first session (figure 3; column 4, lines 25-40; where the inherent instructions to reserve resources implies the existence and generation of a message based on session criteria); loading the first resource reservation message with a session group identifier (ID) (figure 3; column 4, lines 25-40; where the inherent instructions to reserve resources implies the existence and loading of a message based on session criteria); sending the first resource reservation message with the session group ID toward a first receiving entity (figure 3; column 4, lines 25-40; where the inherent instructions to reserve resources implies the existence of a message based on session criteria, which will be sent to a receiving entity to decide sourcing prioritization, for example.); generating a second resource reservation message associated with the second session (figure 3; column 4, lines 25-40; where the inherent instructions to reserve resources implies the existence and generation of a message based on session criteria); loading the first resource reservation message with the session group identifier used in the first resource reservation message (figure 3; column 4, lines 25-40; where the inherent instructions to reserve resources implies the existence and re-loading of the first message based on session criteria as many times as needed.); sending the second resource reservation message with the session group ID toward a second receiving entity (figure 3; column 4, lines 25-40; where the inherent instructions to reserve resources implies the existence of a message based on session criteria, which will be sent to a receiving entity to decide sourcing prioritization, for example.). Awadallah does not specifically teach the sharing of resources between first and second sessions. Primak teaches the

sharing of resources reserved for use with the first session, with the second session (column 3, lines 2-5; column 8, lines 24-47; where the resources are inherently shared between sessions because requests with the same session ID are routed to the same server.). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Primak in the system of Awadallah, because they are both from the same field of endeavor, namely the efficient routing of resources for network sessions. The motivation for combining the teachings lies in the fact that Primak's teaching adds further efficiency to Awadallah's invention in the event of load balancing between requests with the same session IDs.

As per claim 15, Awadallah in view of Primak teaches the method of claim 14, but does not specifically teach the generation of a resource identification value and generation of the session group ID based on this value. It would have been obvious to one of ordinary skill in the art to include this limitation, as the generation of nicknames of values, followed by the assignment of these nicknames or values to certain objects is not novel. Databases employ this principle, and support the generation of objects based on their nicknames or values.

As per claim 16, Awadallah in view of Primak teaches the method of claim 15, wherein the session group ID includes a source address of the sourcing entity and the resource ID (Awadallah: column 6, lines 46-65).

Claims 4-6, 11-13, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awadallah in view of Primak, in further view of Chiu (U.S. 6,744,767).

As per claim 4, Awadallah in view of Primak teaches the intermediate network of claim 3, but does not specifically teach the use of the RSVP specification standard and Path message as

a means of session identification. Awadallah also teaches the use of the network path in a session ID (Awadallah: column 6, lines 46-65), but does not specifically teach the RSVP specification standard used in the session ID. Chiu teaches the use of the RSVP specification standard (column 1- line 55 – column 2, line 5), where the discussion of differentiating services by flow, and specifically, RSVP's hop-by-hop protocol, constitutes the identification of sessions by path. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the RSVP specification standard into the session IDs for a network session, as taught by Chiu in the system of Awadallah in view of Primak, as they are all from the same field of endeavor, namely the efficient routing of network resources. The motivation for doing so lies in the fact that the RSVP specification standard adds further efficiency to session identification by adding a specific routing history.

As per claim 5, Awadallah in view of Primak, in further view of Chiu teaches the intermediate network device of claim 4 wherein the first and the one or more second sessions carry voice information (Awadallah: column 5, lines 8-25; where the discussion of multiple users implies multiple sessions that carry voice information).

As per claim 6, Awadallah in view of Primak teaches the intermediate network device of claim 5, wherein the first and the one or more second sessions originate from a single sourcing entity (Primak: column 8, lines 24-47). Motivations to combine teachings are discussed in the discussion of claim 1.

As per claim 11, Awadallah in view of Primak, in further view of Chiu teaches the method of claim 10, wherein the first resource reservation message is a Path message in accordance with the Resource Reservation Protocol (RSVP) specification standard that has been

configured to carry the resource ID (Chiu: column 1, line 55 – column 2, line 5; where the use of network path to create a session ID is discussed by Awadallah.). The configuration of RSVP to contain the resource ID is inherent by the fact that it already contains hop-by-hop information, which can include resource IDs. Motivations to combine teachings are discussed in the discussion of claim 4 (See also “Resource Reservation Protocol,” pages 43-9 – 43-11, pertaining to the ID discussions).

As per claim 12, Awadallah in view of Primak, in further view of Chiu teaches the method of claim 11, wherein the second resource reservation message is a RSVP Resv message corresponding to the second session (Chiu: column 1, line 55 – column 2, line 5). Motivations to combine teachings are discussed in the discussion of claim 4. The use of an RSVP message corresponding to the second session is obvious, as taught by Chiu in the system of Awadallah in view of Primak.

As per claim 13, Awadallah in view of Primak, in further view of Chiu teaches the method of claim 11, but does not specifically teach the use of the resource ID in the RSVP Path message. It would have been obvious to one of ordinary skill in the art at the time of the invention to include this limitation, as the existence of the resource ID in the RSVP Path message is necessary to allow for identification of the particular session corresponding to the RSVP Path message. Without proper identification, the RSVP Path message would be rendered useless, as it would be unknown to which session or resource the RSVP Path message corresponds.

As per claim 17, Awadallah in view of Primak, in further view of Chiu teaches the method of claim 14, wherein the first and second resource reservation messages are Path

messages in accordance with the Resource Reservation Protocol (RSVP) specification standard that have been configured to carry the resource ID (Chiu: column 7, lines 18-22; column 1, line 55 – column 2, line 5). Motivations to combine teachings are discussed in the discussion of claim 4. All inventions are from the same field of endeavor, which is a further motivation.

As per claim 18, Awadallah in view of Primak, in further view of Chiu teaches the method of claim 17, but does not specifically teach the use of a call-waiting context within sessions. In view of Awadallah's discussion of VoIP (Awadallah: column 6, lines 38-45), it would have been obvious to one of ordinary skill in the art at the time of the invention to include this capability, as it is well known in the art. Awadallah discusses Internet telephony (column 1, lines 29-31), and since a call waiting context is well known in the art of Internet telephony, it would have been obvious to include this teaching specifically.

Claims 19-21, 25, 27-29, 33, 35-37, 41, 43-45, 49, 51-53, 57, 59-61, and 65, 67-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Primak (U.S. 6,598,077) in view of Lambert (U.S. 6,363,478).

As per claim 19, Primak teaches a method for reserving resources by a network device for transmission of messages through a computer network comprising: initiating a first session by the network device (column 3, lines 6-14); identifying the first session by assigning a session group identifier (column 6, lines 9-54); initiating one or more second sessions using the session ID of the first session (column 3, lines 15-30); and transmitting a setup message to enable other network devices to share resources between the first session and the second session in response to both the first and second sessions having the same session ID. Primak does not specifically

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teach the writing in of a session ID into the transmitted packets. Lambert teaches the writing in of a session ID in transmitted packets (column 2, lines 41-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the writing of the session IDs into the packets themselves, as taught by Lambert in the system of Primak. The motivation for doing so lies in the fact that having the session ID added into the packets would better denote where exactly the packets are going, which improves the process of packet classification. Both inventions are from the same field of endeavor, namely the assignment of network resources.

As per claim 20, Primak-Lambert teaches the method of claim 19, further comprising: including a data structure for storing information for the sessions in a resource reservation engine (Primak: figure 4); and storing the session ID for each session in the data structure in the resource reservation engine (Primak: figure 4).

As per claim 21, Primak-Lambert teaches the method of claim 20, further comprising: identifying a given session by a source address of an entity sourcing the traffic flow of the session and a resource identifier (Primak: column 6, lines 9-54).

As per claim 25, Primak-Lambert teaches the method of claim 19, further comprising: originating the first and the one or more second sessions from a single sourcing entity and directing the first and the one or more second sessions to two or more different destination entities (Primak: figure 5).

Claims 27, 35, 43, 51, 59, and 67-74 are rejected on the same basis as claim 19.

Claims 28, 29, 36, 37, 44, 45, 52, 53, 60, and 61 are rejected on the same bases as claims 20 and 21 respectively.

Claims 33, 41, 49, 57, and 65 are rejected on the same basis as claim 25.

Claims 22-24, 26, 30-32, 34, 38-40, 42, 46-48, 50, 54-56, 58, 62-64, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Primak-Lambert in view of "Resource Reservation Protocol," Chapter 43.

As per claim 22, Primak-Lambert teaches the method of claim 21, but does not specifically teach the use of RSVP and inserting the session ID into a RSVP Path message. RSVP teaches this the use of RSVP and the insertion of an ID into the path message (page 43-1, 43-9, and 43-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to include RSVP and session ID insertion into Path messages as taught by RSVP in the system of Primak-Lambert. The motivation for doing so lies in the fact that using the RSVP standard is a specific version of the resource pre-allocation taught by the system of Primak-Lambert. All teachings are from the same field of endeavor, namely network resource management.

As per claim 23, Primak-Lambert-RSVP teaches the method of claim 22, further comprising: carrying voice information over the first and the one or more second sessions (RSVP: 43-4).

As per claim 24, Primak-Lambert-RSVP teaches the method of claim 23, further comprising: originating the first and the one or more second sessions from a single sourcing entity (Primak: figure 5).

As per claim 26, Primak-Lambert-RSVP teaches the method of claim 25, but does not specifically teach the carrying of voice information which corresponds to a call-waiting context over the first and the one or more second sessions carrying voice information. It would have

been obvious to one of ordinary skill in the art at the time of the invention to teach this limitation specifically, as the concept of RSVP pertains to VoIP. The use of call-waiting is well-known in the field of Internet telephony, and is thus obvious to one of ordinary skill in the art to include into the system of Primak-Lambert-RSVP. The motivation for doing so lies in the fact that adding telephonic functionality would allow for a more versatile invention.

30-32, 34, 38-40, 42, 46-48, 50, 54-56, 58, 62-64, and 66 are rejected on the same bases as claims 22-24, and 26 respectively.

Response to Arguments

Arguments filed by applicant on February 28, 2005 have been fully considered but are not persuasive.

a. Applicant contends that neither “Awadallah nor Primak teaches a resource reservation engine for determining whether the session group ID of the first session matches a session group ID of one or more second sessions for which resources have been previously reserved and, if so, directing the traffic scheduler to share the resources reserved for the one or more second sessions with the first session.” Examiner respectfully disagrees. In Primak’s column 3, lines 15-30, and further in columns 8 and 9, it is disclosed that in a situation where a first session has already been established, and when the client returns for a second session, but still has the same session ID, the resources previously reserved are then shared once again. This does constitute the claimed limitations, and the sharing of resources reserved for the one or more second sessions with the first session is constituted by Primak’s rerouting of previous information in view of the session

IDs being the same between the first session and second session. The sharing of resources between multiple simultaneous sessions, and multiple client devices is not a claimed limitation and therefore cannot be further considered for allowance.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571/272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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